HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.5326 of 2006

Date of decision : 13.02.2007

Surinder Singh .....Petitioner

versus

Mohinder Singh .....Respondent

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.R.S.Aulakh, Advocate for the petitioner.
Mr.K.R.Dhawan, Advocate for the respondent.

* * *

ORDER

HEMANT GUPTA, J.

The defendant in the present revision petition is aggrieved by the order dated 9.9.2006, passed by the learned First Appellate Court whereby an application filed by the defendant-petitioner for permission to lead additional evidence in appeal in respect of Pronote dated 15.3.2002, was dismissed.

The plaintiff-respondent has filed a suit for recovery on the basis of Pronote dated 23.12.1999 in a sum of Rs.1,00,000/- alleged to be executed by the defendant. The said suit was decreed by the learned trial Court vide judgment and decree dated 19.8.2005. In appeal, the petitioner moved an application for permission to lead additional evidence so as to prove the Pronote dated 15.3.2002, executed by one Kishan Singh in a sum of Rs.40,000/-, in favour of one Subhash Chand to compare the handwriting on the Pronote dated 23.12.1999 with the handwriting on the Pronote dated 15.3.2002.

The learned First Appellate Court has rightly dismissed the application filed by the petitioner holding that the Pronote dated 15.3.2002 is not relevant for the decision of the appeal. In fact, the Pronote dated 15.3.2002 is not between the parties, therefore, the handwriting on the said Pronote cannot be said to be relevant in any manner to prove or disprove the Pronote dated 23.12.1999 i.e. subject matter of the present proceedings. It is, thus, apparent that the application filed by the petitioner for permission to lead additional evidence lacks bonafide and has been rightly dismissed by the learned First Appellate Court.

I do not find any illegality or irregularity in the order passed by the learned First Appellate Court, which may warrant interference of this Court in exercise of its revisional jurisdiction.

Dismissed

(HEMANT GUPTA)
JUDGE

February 13, 2007
**mohinder*